

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

|                           |   |                       |
|---------------------------|---|-----------------------|
| ANN L. BRESLIN,           | ) |                       |
|                           | ) |                       |
| Plaintiff,                | ) |                       |
|                           | ) |                       |
| v.                        | ) | C. A. No. 05-0290-GMS |
|                           | ) |                       |
| STATE OF DELAWARE         | ) |                       |
| DEPARTMENT OF NATURAL     | ) |                       |
| RESOURCES & ENVIRONMENTAL | ) |                       |
| CONTROL,                  | ) |                       |
|                           | ) |                       |
| Defendant.                | ) |                       |

**NOTICE OF DEFENDANT'S  
MOTION FOR WHOLE OR PARTIAL SUMMARY JUDGMENT**

TO: Lori A. Brewington, Esquire  
Margolis Edelstein  
1509 Gilpin Avenue  
Wilmington, DE 19806

PLEASE TAKE NOTICE that Defendant's Motion for Summary Judgment will be heard  
at the convenience of the Court.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

Dated: August 28, 2006

/s/Valerie S. Csizmadia

Valerie S. Csizmadia, I.D. No. 3937  
Deputy Attorney General  
102 W. Water Street, 3rd Floor  
Dover, Delaware 19904  
(302) 739-4636  
Attorney for DNREC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                                 |   |                     |
|---------------------------------|---|---------------------|
| ANN L. BRESLIN,                 | ) |                     |
| Plaintiff,                      | ) |                     |
|                                 | ) |                     |
| v.                              | ) | C.A. No. 05-290-GMS |
|                                 | ) |                     |
| STATE OF DELAWARE, DEPARTMENT ) |   | JURY TRIAL DEMANDED |
| OF NATURAL RESOURCES AND )      |   |                     |
| ENVIRONMENTAL CONTROL,          | ) |                     |
|                                 | ) |                     |
| Defendant.                      | ) |                     |

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Defendant, State of Delaware, Department of Natural Resources & Environmental Control moves for Summary Judgment on the following bases set out in the accompanying brief because there are no issues of material fact and Defendant is entitled to judgment as a matter of law.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

Dated: August 28, 2006

/S/

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Valerie S. Csizmadia, I.D. No. 3937  
Deputy Attorney General  
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Attorney for State of Delaware DNREC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                               |   |                            |
|-------------------------------|---|----------------------------|
| ANN L. BRESLIN,               | ) |                            |
|                               | ) | Plaintiff,                 |
|                               | ) |                            |
| v.                            | ) | C.A. No. 05-290 (GMS)      |
|                               | ) |                            |
| STATE OF DELAWARE, DEPARTMENT | ) | <b>JURY TRIAL DEMANDED</b> |
| OF NATURAL RESOURCES AND      | ) |                            |
| ENVIRONMENTAL CONTROL,        | ) |                            |
|                               | ) |                            |
| Defendant.                    | ) |                            |

**CERTIFICATE OF SERVICE**

I, Valerie S. Csizmadia, do hereby certify that on August 28, 2006, I electronically filed the Notice of Defendant's Motion for Summary Judgment and Supporting Brief and it electronically to Plaintiff's attorney at the following address:

Lori A. Brewington, Esquire  
Margolis Edelstein  
1509 Gilpin Avenue  
Wilmington, DE 19806

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

Dated: August 28, 2006

/s/Valerie S. Csizmadia  
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